

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BRANDON J. ORR,

Plaintiff,

v.

CITY OF RENO, *et al.*,

Defendants.

Case No. 3:16-cv-00122-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 13) ("R&R") relating to plaintiff's failure to keep the Court apprised of his current address, despite LSR 2-2's admonition that failure to do so may result in dismissal of his action with prejudice. Plaintiff had until January 12, 2017 to object. (ECF No. 13.) To date, no objection to the R&R has been filed.¹

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

¹The R&R (ECF No. 13) that was mailed to Plaintiff was returned as undeliverable. (ECF No. 14.)

1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).


11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Cobb's Recommendation. The Magistrate
13 Judge recommends that this action be dismissed. Upon reviewing the R&R and records
14 in this case, this Court finds good cause to adopt the Magistrate Judge's
15 Recommendation in full.

16 It is therefore ordered, adjudged and decreed that the Report and
17 Recommendation of Magistrate Judge William G. Cobb (ECF No. 13) is accepted and
18 adopted in its entirety.

19 It is ordered that this action is dismissed with prejudice. The motion for
20 appointment of counsel (ECF No. 8) is denied as moot.

21 The Clerk is instructed to close this case.

22 DATED THIS 31st day of January 2017.

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25 _____
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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